

HOUSE BILL REPORT

SHB 1614

As Passed House:

February 13, 2006

Title: An act relating to correctional programs, facilities, and institutions on the grounds of a state hospital.

Brief Description: Restricting correctional facilities on the grounds of a state hospital.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Green, Talcott, Conway and Darneille).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/8/05, 2/15/05 [DP];

Appropriations: 2/2/06, 2/3/06 [DPS].

Floor Activity:

Passed House: 2/13/06, 97-1.

Brief Summary of Substitute Bill

- Prohibits any program, facility, or institution that serves violent offenders and is operated by the Department of Corrections (DOC), directly or under contract with the DOC, from being located or operated on the grounds of a state hospital.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Kathryn Leathers (786-7114).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, P. Sullivan, Talcott and Walsh.

Minority Report: Without recommendation. Signed by 1 member: Representative Anderson, Assistant Ranking Minority Member.

Staff: Bernard Dean (786-7130).

Background:

A state hospital means any hospital, including a child study or treatment center, that is operated and maintained by the state for the principal purpose of caring for adults and minors whose primary diagnosis involves a mental disorder. Such hospitals provide both inpatient and outpatient care for persons who enter the facility by voluntary commitment or involuntary commitment, or pursuant to court order as part of a criminal proceeding. The hospitals are Western State Hospital, Eastern State Hospital, and the Child Study and Treatment Center.

All powers, duties, and functions assigned to the Secretary of the Department of Social and Health Services relating to adult correctional programs and institutions are transferred to the Secretary of the Department of Corrections (DOC). The DOC is authorized by statute to establish or relocate work release or other community-based facilities if mandatory public notice and hearing requirements are satisfied.

Summary of Substitute Bill:

Any program, facility, or institution that serves violent offenders and is operated by the DOC (whether directly or under contract with the DOC) is prohibited from being located or operated on the grounds of a state hospital. Such programs, facilities, or institutions include, but are not limited to, work release programs. This prohibition is prospective only and does not apply to a program, facility, or institution serving violent offenders that is located or operated on the grounds of a state hospital on the effective date of the bill.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Criminal Justice & Corrections) The populations of our state hospitals are very vulnerable and suffer from mental illnesses. The DOC currently has a pre-release program on the grounds of Western State Hospital, a low risk offender population. However, the DOC intends to remove the low-risk group and replace it with a high-risk work-release group from Progress House in Tacoma. Sexual assault on the hospital grounds is highly under-reported and often goes unbelieved for a variety of reasons. A high-risk, largely unsupervised group of offenders creates concern regarding the potential risk for sexual assaults against the patient population. This is a huge liability problem and there have been lawsuits filed in the past based on the wrong kind of patient mix. There was no notice provided to the public prior to this change. Tacoma Pre-Release is serving the public well.

Testimony For: (Appropriations) The City of Lakewood urges the members to support this bill. Lakewood is opposed to the siting of a work release at Western State Hospital on the grounds that it is incompatible with the hospital. The City is working with the Department of Corrections to find a suitable location for a work release in the community.

Testimony Against: (Criminal Justice & Corrections) Work release programs are necessary and effective. Our communities are required to share the burden of reintroducing offenders into society. This bill would reduce the number of available beds in Pierce County by 130. The work-release program in question is currently run by Progress House. The Progress House was founded in 1972 and relocated to the Old Raymond Hall building in Tacoma in 1978, next to a juvenile facility. Progress House has had no major problems in all those years due to the supervision provided. There have been no complaints until recently, when work release groups have tried to relocate. Everyone now complains that they don't want these people in their backyard. These persons return to the community whether we are ready for them or not. If Pierce County had not required Progress House to leave, they would not have moved. The Lakewood police do not currently provide non-emergency services to Western State Hospital and there is no financial support for police services coming from the hospital. Lakewood already has its fair share of offenders in its community. The patients at Western State Hospital will still be protected. Due to the costs, it is time to close the Tacoma Pre-Release program. This change is merely a proposal at this stage and would save the DOC a significant amount of money.

Testimony Against: (Appropriations) None.

Persons Testifying: (Criminal Justice & Corrections) (In support) Representative Green, prime sponsor; Candice Bock, City of Lakewood; Bob Doyle, Washington Federation of State Employees; and Myles Schneider, Department of Corrections.

(Opposed) Reverend Robert Jones and Reverend Le C. Brown, Progress House Association; Eldon Vail, Department of Corrections; and Lyle Quasim, Office of the Pierce County Executive.

Persons Testifying: (Appropriations) (In support) Candice Bock, City of Lakewood.

Persons Signed In To Testify But Not Testifying: (Criminal Justice & Corrections) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.